

## **AMEND**

### **Text of Proposed Regulatory Action**

#### **Article 4. Peace Officer Certification**

##### **§ 1202. Peace Officer Certificates.**

###### **(a) Proof of Eligibility (POE) and Basic Certificates**

Proofs of Eligibility are only valid for the appointing agency.

###### **(1) Proof of Eligibility is required for:**

###### **(A) Specified Peace Officers**

Any specified peace officer described in Penal Code Section 830.1, 830.2, with the exception of those described in (d) of that Section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program.

1. Any peace officer described in (A) above who does not possess a Basic Certificate and who is not yet or will not be eligible for a Basic Certificate, regardless of participation in the POST program, are required to obtain a POE.
2. All levels of reserve peace officers who are appointed to a POST participating agency and who do not already possess a Basic Certificate are required to obtain a POE.
3. Any peace officer, including reserves with POST participating agencies, who is a lateral to a new agency and does not already possess a Basic Certificate, will be required to obtain a new POE.
4. Any peace officer, including reserves with POST participating agencies, may hold more than one POE at a time if they are simultaneously appointed to multiple agencies.

###### **(2) Proof of Eligibility Award Requirements**

A Proof of Eligibility shall be issued by POST to those who:

(A) Satisfy the requirements specified in subsection 1202(b)(1).

(B) Have a POST approved appointment as a peace officer submitted by the individual designated by the agency's department head or other authorized hiring authority via the Electronic Data Interchange (EDI).

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#### (3) Denial of Notice of Appointment

(A) Applications may be temporarily denied for the following reasons:

1. Incomplete information and/or unsigned ~~a~~ Attestation of ~~p~~ Peace ~~o~~ Officer ~~e~~ Eligibility, as specified in Commission Regulation 1003(a)(1)(A)1.a.,
2. Incomplete background information, or
3. Not a qualifying employment classification.

(B) Disqualifying events, outlined in Government Code Section 1029, discovered during an audit will result in the cancellation of an appointment and POE pursuant to Commission Regulation 1203.

(C) If a POE is denied, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied and shall include:

1. A statement that the certificate was denied.
2. A statement of facts upon which the certificate was denied.
3. A statement of eligibility to reapply for a POE.
4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

(4) The POE shall expire upon issuance of a Basic Certificate or upon separation from the employing agency, if a peace officer does not possess a Basic Certificate.

#### (5) POST Basic Certificate

The Basic Certificate is required for:

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#### (A) Specified Peace Officers

Pursuant to Penal Code Section 832.4(b), every peace officer listed in Penal Code Section 830.1(a) [except a sheriff, an elected marshal, or a custodial deputy appointed pursuant to Penal Code 830.1(c)] shall obtain the POST Basic Certificate in order to continue to exercise peace officer powers. Penal Code Section 832.4 requires possession upon completion of probation, but in no case later than 24 months after appointment. However, if the agency's probation period is 24 months, an additional three months is authorized.

#### (B) Police Chiefs/Persons in Charge

Pursuant to Penal Code Section 832.4(c), as a condition of continued employment, each police chief, or any other person in charge of a local law enforcement agency, who is appointed on or after January 1, 1999, shall possess the POST Basic Certificate within two years of appointment. Those who do not already possess a valid POST Basic Certificate, shall be issued a POE until such time as they earn a valid Basic Certificate.

#### (C) Peace Officers Employed by a Participating Agency

Every peace officer appointed by an agency participating in the POST program shall possess the appropriate Basic Certificate within the time limits described in subsection 1202(a)(5)(A) unless an exception in subsection 1202(a)(5)(D) pertains to the officer.

#### (D) Exception to the Basic Certificate Requirement

There are three exceptions to the Basic Certificate requirements specified in subsection 1202(a)(5)(A)-(C):

1. Peace officers appointed prior to the employing agency's entry date into the POST program and who are not required to possess a POST Basic Certificate pursuant to the requirements of Penal Code Section 832.4, and
2. Custodial peace officers appointed pursuant to Penal Code Section 830.1(c), and
3. Peace officers first appointed prior to January 1, 1974, and who have not changed agencies since that date and who are not included in exceptions subsection 1202(a)(5)(D)1. or 2.

#### (6) Basic Certificate Award Requirements

Applicants for the award of a Basic Certificate shall:

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- (A) Satisfy requirements specified in subsection 1202(b)(1).
- (B) Possess a valid POE.
- (C) Complete the current employing agency's probationary period of not less than 12 months.
- (D) Be currently employed as a full-time peace officer appointed to an eligible POST participating agency.

~~EXCEPTION: When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.~~

#### (7) Denial of Basic Certificate

- (A) Incomplete applications may be temporarily denied for the following reasons:

1. Probationary period not satisfied.
2. Not an eligible full-time peace officer.
3. Applicant missing required training.

- (B) Persons appointed as a peace officer after January 1, 2022, who are not in possession of a valid POE at the time of application for a Basic Certificate shall be denied.

- (C) Applications for Basic Certificate shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.
2. If the applicant has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as defined in Commission Regulation 12054.

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(D) If a Basic Certificate is denied, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied and shall include:

1. A statement that the certificate was denied.
2. A statement of facts upon which the certificate was denied.
3. A statement of eligibility to reapply for a Basic Certificate.
4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

#### **(b) Professional Certificates – Peace Officers**

##### **(1) Certificate Award Requirements**

(A) When applying for any level of a professional certificate, an applicant shall have satisfied the basic course training requirement, as specified in Commission Regulation 1005, for the applicant's current appointment:

1. Regular Basic Course (RBC),
2. Specialized Investigator's Basic Course (SIBC),
3. Penal Code Section 832 Course and the Coroner's Death Investigation Course, or
4. Minimum training standards for reserve officers as specified in Commission Regulation 1007.

(B) Applicants for professional certificates must be appointed as a full-time peace officer to an eligible POST participating agency and possess a valid Basic Certificate.

1. Applicants for a Reserve Peace Officer certificate do not need to be appointed as a full-time peace officer.

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2. When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.

(C) Applicants must meet certificate specific eligibility criteria listed below in subsections 1202(b)(5)-(10).

(D) Applications for Professional Certificates shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.
2. If the commission determines the applicant, while employed as a peace officer, engaged in serious misconduct, as defined in Commission Regulation 1205.

- (2) POST professional certificates are awarded to peace officers who achieve increasingly higher levels of education, training, and experience in their pursuit of professional excellence.

(A) The Commission-awarded certificate is a “professional certificate pursuant to Penal Code section 13510.1 and is distinct from a “certificate of completion” which is awarded by a training presenter when an individual successfully completes a course.

~~(A)~~ (B) Attainment of Intermediate, Advanced, Supervisory, Management, and Executive certificates are voluntary.

### (3) Certificate Categories and Levels

Professional certificates for full-time peace officers are awarded by category and level.

#### (A) Categories

There are three categories of certificates based on the basic training standard completed by the individual:

1. General Certificates
2. Specialized Certificates
3. Coroner’s Certificates

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#### **(B) Requalification Requirement**

1. Applicants for general or specialized category certificates must possess basic training that has not expired as specified in Commission Regulation 1008(b), Basic Course Requalification Requirement.
2. Applicants for coroner's category certificates must possess Penal Code Section 832 Arrest and Firearms training that has not expired, as specified in Commission Regulation 1080 and, Penal Code Section 832 Arrest and Firearms Course Requalification.

#### **(C) Levels**

There are five certificate levels in each category (above):

1. Intermediate Certificate
2. Advanced Certificate
3. Supervisory Certificate
4. Management Certificate
5. Executive Certificate

#### **(D) Reserve Peace Officer Certificates**

Requirements for the Reserve Peace Officer Certificate are specified in subsection (b)(10).

#### **(4) Certificate Terminology and Policy**

##### **(A) College Degree or College Unit Criteria**

Accreditation shall be by a national or regional accrediting body that is recognized by the Secretary of the United States Department of Education. For the award of a certificate, all degrees or units:

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1. Shall be issued by and recorded on the transcript of an accredited community college, college, or university;  
or
2. When issued by a non-accredited community college, college, or university, the degree or units shall have been accepted and recorded on the transcript of an accredited community college, college, or university.

#### **(B) Education Units**

1. One college semester unit equals one education unit, or
2. One college quarter unit equals two-thirds of an education unit.

#### **(C) Training Points**

3. Twenty hours of law enforcement training are equal to one training point. Only completed courses with verifiable hours are accepted. Training point credit shall not be given for partial completion of a course or when the course was failed.
4. When the training is not POST-certified, the commission shall have discretion to determine acceptable law enforcement training, pursuant to the following criteria:
  - a. When requesting training points for courses that are not POST-certified, applicants must provide documentation to support completion of training such as a copy of the course roster or a copy of the course completion certificate.
  - b. Training must be verified with a course roster or a certificate of course completion that includes the date of completion and number of hours completed.
  - c. Military courses must identify the topics related to law enforcement such as: searching and handcuffing, arrest procedures, basic patrol, calls for service, report writing, transporting and securing prisoners, building searches, area searches, property and evidence control, traffic collision investigation, crime scene processing, etc. Military training shall be evaluated by POST for relevance to law enforcement as specified above.



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#### **d. Out of state police training**

- 1) For the FBI National Academy, full credit shall be given for hours in training, or units, if a transcript is submitted.
- 2) For out of state police academy basic courses, full credit shall be given for topic hours that meet the minimum topic requirements for the POST Regular Basic Course (RBC) if a transcript of the course is furnished. If a POST-certified basic course is completed, in addition to an out of state police academy, full hourly credit for training points for the POST-certified basic course may be granted as applicable consistent with 1011(a)(3)(D).

#### **e. No training points are awarded for on-the-job training programs such as the Field Training Program.**

#### **f. No training points are awarded for firearms qualification.**

### **(D) Education Unit Conversions**

When education units exceed the number needed to qualify for a certificate, the excess education units may be converted to training points to meet training point requirements.

1. One education unit shall equal one training point.
2. POST will make the conversion when it is to the advantage of the applicant.
3. The RBC can only be used to satisfy either the training points or the education units requirement. It cannot be used to satisfy both.

### **(E) Law Enforcement Experience**

Law enforcement experience described in subsection 1202(b)(4)(E)1. below is accepted if recorded on the POST profile.

1. POST may accept the experience described in subsections 1202(b)(4)(E)2.-4. when the law enforcement experience:

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- a. Is documented on the employing agency's letterhead, signed by the agency head,
    - b. Includes an attestation that the applicable requirements stated in experience categories subsection 1202(b)(4)(E)2.-4. have been met, and
    - c. Includes the type of appointment, time base, dates of service, and types of duties performed.
  2. Full-time peace officer experience with a California POST participating agency.
  3. Pursuant to Penal Code Section 830.75, persons designated as a Level I Reserve Officer by a POST participating agency but regularly employed by an institution of higher education are not considered to be full-time peace officers regardless of their status as a full-time or part-time employee.
  4. Full-time peace officer experience with a California non-POST participating law enforcement agency, and during the time of the appointment, the law required completion of the RBC or SIBC for the position held.
  5. Full-time peace officer experience with an out-of-state law enforcement department that participates in its state's "POST type" program, and the "POST-type" program awarded the individual a Basic Certificate or license. The maximum credit allowed for this experience category is five years. "POST-type" means any department/agency that is a member of the International Association of Directors of Law Enforcement Standards and Training.
  6. Full-time experience with a federal law enforcement agency if the individual satisfactorily completed a basic law enforcement academy presented by the Federal Law Enforcement Training Center or the Federal Bureau of Investigation academy. The maximum credit allowed for this experience category is five years.
- (F) Peace officers who qualify may be awarded a certificate in more than one category and at the same level.
- (G) Application Requirements
1. Application Requirements – An applicant shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):

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- a. Log into the POST PASS Account.
  - b. Enter POST ID or Social Security Number.
  - c. When applying, select the appropriate Certificate to start the application process.
  - d. Select the Submit button.
2. An applicant or an applicant's employing agency shall submit a completed Certificate Application, via EDI, along with supporting documents as follows:
    - a. Documentation that supports the required education and experience (i.e., official transcripts, diplomas, certificates of course completion, and proof of law enforcement experience). Unofficial transcripts, grade reports, grade cards, and CEUs will not be accepted.
      - 1) The educational institution listed must have been accredited by a national or regional accrediting body recognized by the Secretary of the United States Department of Education while the individual was in attendance.
    - b. When the units of credit are transferred from one educational institution to another, supporting documentation from all educational institutions is required.
      - 1) Military credits listed as transfer credits are accepted if they are presented on an official transcript from an accredited college.
      - 2) Sailor and Marine Corps American Council on Education Registry Transcripts (SMART) are not accepted, because they serve as a guide for academic institutions but are not accredited bodies and cannot award credit.
      - 3) Continuing Education Units (CEU) are awarded for academic study related to maintaining a professional license and do not represent academic credit, therefore that is not considered acceptable education.

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- c. Supporting documents are not required if the education and/or experience information needed to support the current certificate request is already reflected on the applicant's POST profile. Any education or experience that is not reflected on the POST profile must be supported as described in subsection 1202(b)(4)(G)1. and/or 2.

(5) Applicants for Intermediate Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess a Basic Certificate, and

(C) Satisfy one of the following eligibility combinations:

| <i>Degree or Education Units</i> |            | <i>Law Enforcement Experience</i> |             | <i>Training Points</i> |
|----------------------------------|------------|-----------------------------------|-------------|------------------------|
| Bachelor's degree                | <i>and</i> | 2 years                           | <i>plus</i> | 0                      |
| Associate Degree                 | <i>and</i> | 4 years                           | <i>plus</i> | 0                      |
| 45 Education Units               | <i>and</i> | 4 years                           | <i>plus</i> | 45                     |
| 30 Education Units               | <i>and</i> | 6 years                           | <i>plus</i> | 30                     |
| 15 Education Units               | <i>and</i> | 8 years                           | <i>plus</i> | 15                     |

\*Excess education units may be applied towards training points on a unit for point basis per subsection 1202(b)(4)(D).

(6) Applicants for Advanced Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess the Intermediate Certificate, and

(C) Satisfy one of the following eligibility combinations:

| <i>Degree or Education Units*</i> |            | <i>Law Enforcement Experience</i> |             | <i>Training Points</i> |
|-----------------------------------|------------|-----------------------------------|-------------|------------------------|
| Master's degree                   | <i>and</i> | 4 years                           | <i>plus</i> | 0                      |
| Bachelor's degree                 | <i>and</i> | 6 years                           | <i>plus</i> | 0                      |

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|                    |            |          |             |    |
|--------------------|------------|----------|-------------|----|
| Associate Degree   | <i>and</i> | 9 years  | <i>plus</i> | 0  |
| 45 Education Units | <i>and</i> | 9 years  | <i>plus</i> | 45 |
| 30 Education Units | <i>and</i> | 12 years | <i>plus</i> | 30 |

\*Excess education units may be applied towards training points on a unit for point basis per subsection 1202(b)(4)(D).

(7) Applicants for Supervisory Certificate Award shall:

- (B) Satisfy the requirements specified in subsection 1202(b)(1),
- (C) Possess or be eligible to possess an Intermediate Certificate,
- (D) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),
- (E) Successfully complete the POST Supervisory Course, and
- (F) Possess a minimum of two years of law enforcement experience as a permanent first level supervisor or higher.

(8) Applicants for Management Certificate Award shall:

- (A) Satisfy the requirements specified in subsection 1202(b)(1),
- (B) Possess or be eligible to possess an Advanced Certificate,
- (C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),
- (D) Successfully complete the POST Management Course, and
- (E) Possess a minimum of two years of law enforcement experience as a permanent middle manager or higher.

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1. To be awarded both the Supervisory and Management Certificates, possess two years of law enforcement experience as a permanent first level supervisor or higher, plus two years of law enforcement experience as a permanent middle manager or higher.

#### **(9) Applicants for Executive Certificate Award shall:**

- (A) Satisfy the requirements specified in subsection 1202(b)(1),
- (B) Possess or be eligible to possess an Advanced Certificate,
- (C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),
- (D) Successfully complete the POST Executive Development Course, and
- (E) Possess a minimum of two years of law enforcement experience as a permanent agency head with the current employing agency.
  1. To be awarded three certificates, Supervisory, Management, and Executive, or any combination of two, possess a minimum of two years of experience at the levels stated in subsections 1202(b)(7)(E), 1202(b)(8)(E), and 1202(b)(9)(E) respectively, as appropriate for the award.

#### **(10) Reserve Peace Officer Certificate Requirements**

##### **(A) Requirements**

Applicants for the award of a Reserve Peace Officer Certificate shall:

1. Be currently employed as a (designated or non-designated) Level I Reserve Officer with an agency participating in the POST program,
2. Have been selected in accordance with the minimum selection standards specified in Commission regulations for reserve officers,

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3. Have completed a POST-certified RBC in any delivery format,
4. Have satisfactorily completed a minimum of 200 hours of general law enforcement experience,
5. If appointed on or after January 1, 1999, but prior to June 30, 1999, shall have completed 200 hours of field training. If appointed on or after July 1, 1999, shall have completed 400 hours of field training, and
6. If appointed to a POST participating agency on or after January 1, 2022, must possess a valid POE.

#### (B) Application Requirements

An applicant (or an applicant's employing agency) shall submit a completed Certificate Application – Reserve Peace Officer via EDI.

1. Application Requirements – An applicant shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):
  - b. Log into the POST PASS Account.
  - c. Enter POST ID or Social Security Number.
  - d. When applying, select the appropriate Certificate to start the application process.
  - e. Upload appropriate documents referred to in 1202(b)(4)(G)2.
  - f. Select the Submit button.

#### (c) Certificate Cancellation

##### (1) Cancellation Reasons

POST shall cancel any ~~professional~~ certificate(s), including the Proof of Eligibility and Basic Certificate, for the following reasons:

- (A) The certificate was obtained through misrepresentation, fraud, or

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(B) The certificate was issued as a result of administrative error on the part of POST or the employing agency.

(2) Notification Requirement

Department personnel who possess information that a certificate was obtained through misrepresentation, fraud, or administrative error shall notify POST immediately.

(3) Investigation of Circumstances

The Executive Director may initiate an investigation of the circumstances under which the certificate was issued. The Executive Director has the authority to approve or deny certificate cancellation.

(4) Cancellation Appeal

An individual whose certificate has been cancelled may appeal the cancellation to the Commission.

At the Commission's discretion, a hearing shall be held either before the Commission or before a qualified hearing officer. The hearing officer shall prepare a proposed decision in such form that it may be adopted as the decision in the case. All hearings shall be conducted in conformance with the Administrative Procedures Act (Government Code section 11400 et seq.). At the conclusion of the appeal hearing, the Commission shall render a decision to uphold or overturn the decision to cancel the certificate.

(5) Cancellation Recorded

When the decision to cancel is upheld through the appeal process, the POST Profile record shall indicate the appropriate reason for the cancellation.

(6) Return of Certificate

Upon notification of cancellation, the individual to whom a cancelled certificate was issued shall return the certificate to POST.

Note: Authority cited: Sections 1029, Government Code; Sections 13503, 13506, 13510(c), 13510.1, 13510.1(e), 13510.2 and 13510.7, Penal Code. Reference: Section 1031, Government Code; and Sections 832.4, 13503, 13506, 13510(c), 13510.1, 13510.3 and 13510.7(a)-(b), Penal Code.